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10/589,027	08/10/2006	Raymond Gass	LUTZ 200750	4216
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FAY SHARPE/LUCENT 1228 Euclid Avenue, 5th Floor The Halle Building Cleveland, OH 44115-1843			EXAMINER NGUYEN, PHUNG HOANG JOSEPH	
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			2614	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/589,027

Applicant(s)

GASS ET AL.

Examiner

PHUNG-HOANG J. NGUYEN

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The previous Final Office Action dated March 20, 2009 is vacated. The current action is the FINAL OFFICE ACTION.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites "an unambiguous call identifier" (line 10). Is it the same as the "an unambiguous call identifier" as mentioned previously on lines 5-6? Claim 1 also recites "a location message" (line 16). Is it the same as the "a location message" as mentioned previously on line 7? Correction/clarification is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 3-15 are rejected under 35 U.S.C. 103(a) as being obvious over McCalmont et al (US Pat 6,771,742).**

As to claims 1 and 4-5, McCalmont teaches a method of sending call center data representative of a location of a communication terminal (*see Abstract*), the method comprising

constituting and then sending to the call center (*delivery of a request for emergency service, Abstract*):

a signaling message requesting (*a call or request, col. 3, line 49*) the setting up of a call between this terminal (*Mobile communication device 268 or a landline device 224 of fig. 2*) and the call center (*Emergency service network 208 comprising PSAP 244 of fig. 2*), wherein the signal message comprises an unambiguous call identifier (*caller identification, and additional information, such as information regarding the location of the caller and the nature of the emergency, Abstract*), and

a location message comprising data representative of the location of the calling terminal (*e.g., latitude and longitude, street address, vehicle collision data, etc., col. 3, line 52*) and the unambiguous call identifier (*caller identification, see above*) and in the call center, associating the signaling message and a location message received by the call center and comprising an unambiguous call identifier (*ALI 248 of fig. 2 does this function, col. 5, lines 20-27*).

in the call center, associating a signaling message and a location message received by the call center and comprising an unambiguous call identifier, and characterized in that, to constitute the signaling message (*ALI 248 of fig. 2 does this function, col. 5, lines 20-27. Please see further detail in the section of Response to*

Argument) comprising the unambiguous call identifier, the unambiguous call identifier is generated in a network node (*network node 200 of fig. 2, col. 7, lines 25-36. Each public safety answering point 244 and automatic location identification database or system 248 associated with a network 200 may be considered to be a network node, Col. 7, lines 34-37; Each emergency service call center 212 associated with a network 200 may be considered a network node., col. 10, lines 7-8; In general, the network 200 may be considered as including a number of nodes. These nodes may include a communication device 224, 268, a public safety answering point 244, an emergency service call center 212, and an emergency services complex 216, col. 12, lines 9-13*) receiving the signaling message sent by the terminal and requesting the setting up of a call and the unambiguous call identifier is then integrated into the signaling message aimed at the call center and requesting the setting up of a call, and, to constitute the location message comprising the unambiguous call identifier, a location message is generated and the same call identifier is integrated into that location message (*ALI 248 does this function, col. 5, lines 20-27. Please see further detail in the section of Response to Argument*).

McCalmont does not **explicitly** spell out that said signaling message is a text message; that said text message is sent in the form of electronic mail; and that said text message is sent in the form of an SMS type short message.

McCalmont states several places "the additional caller information may include information that is delivered visually to a public safety answering point operator (col. 16, lines 33-34)". "Automatic number identification (ANI) is a feature for 9-1-1 services that

was developed to allow the caller's telephone number to be delivered with the call and displayed at the PSAP, (col. 2, lines 6-9)". "When the PSAP receives the call, it queries the automatic location identification (ALI) system with the ESQK. The ALI system recognizes that the ESQK is associated with the PS and queries the PS across an interface. The PS returns to the ALI pertinent information related to the caller (latitude and longitude, address, crash information, etc.) The ALI returns this information to the PSAP to allow the PSAP to display the information to the PSAP operator, (col. 5, lines 20-27)". "The operator may receive display information regarding the current emergency on a viewing screen. The display information may include, for example, the location of the emergency event, the type of emergency, the severity of a collision, the identity of the client, and the type of assistance required, (col. 9, lines 56-61).

Furthermore, McCalmont teaches the availability of Internet in the computer network and MSC comprising mobile communication device. As McCalmont points out the base station or cell cites 272 is generally in wireless communication with the mobile communication device 268. As can be appreciated by those of skill in the art, a mobile communication network 220 typically contains a large number of base stations 272 to provide coverage to a large geographic area. As can also be appreciated, a base station 272 may include a communication satellite where, for example, the mobile communication device 268 comprises a satellite telephone. The mobile switching center 276 handles the routing of communications between a mobile communication device 268 and the public switched telephone network 204, (col. 10, lines 56-65 and col. 11, lines 1-24). These types of networks are packet-based and are widely available for the

use of text message, e-mail and SMS message. This suggests that the visual information would at least include text message.

Therefore it would have been obvious to the ordinary skilled artisan at the time of the invention was made to clearly define the capability of a system and add one or two more steps in the method to pin-point to the exact location of the terminal in case an emergency help is immediately needed for those in distress. It first provides different ways to contact the PSAP not just by voice, but also by text or email format. Secondly and, most important, potential life saving in a shorted amount of time is the key to this incorporation rationale.

As to claim 3, McCalmont teaches the user-to-user signaling channel is used to send the text message over an integrated services digital network using synchronous time division multiplexing (McCalmont: col. 5, line 1-4).

As to claim 6, McCalmont teaches that location data of the calling terminal (*mobile device 268 of fig. 2*) is determined by a location server (location device 278) belonging to a network (*see fig. 2. device 278 belongs mobile communication network 220*) to which said calling terminal (*mobile device 268 of fig. 2*) is connected, after which said text message is generated (*see claim 1 for teaching on text message*) and sent by a text message server (*MSC 276 does this function*) belonging to said network (*Mobile communication network 220*).

As to claim 7, McCalmont teaches that said text message includes a field dedicated to data representative of the nature of the unambiguous call identifier (*emergency such as car crash, medical emergency and an alarm*) followed by a field

dedicated to said unambiguous call identifier (*caller identification*) and at least one field dedicated to data representative of said location (*location... col. 9, lines 57-60 for all three fields*).

As to claim 8, McCalmont teaches said nature of the unambiguous call identifier designates at least one number selected from:

a generic number and an area identifier, both integrated into said signaling message and respectively representing an entity to which said terminal is attached and a geographical area in which said terminal is situated (*The public safety answering point 244, upon receipt of the call and the associated ESQK, queries the automatic location identification database 248 with the ESQK (step 460). The automatic location identification database 248 recognizes the ESQK as being associated with an emergency service call center 212, and passes the query to the positioning server 256 (step 464). The positioning server 256 uses the ESQK to retrieve caller information, and returns the caller information to the public safety answering point 244 (step 468). The public safety answering point 244 then displays the caller information to the public safety answering point operator handling the call (step 472), Col. 15, lines 50-62*).

As to claims 9-11, McCalmont teaches that said text message (*see claim 1 for text messaging teaching*) includes at least three fields dedicated to location data, a first field being dedicated to a latitude measurement, a second field being dedicated to a longitude measurement and a third field being dedicated to an altitude measurement; and that said text message includes at least three fields respectively dedicated to the resolutions of the latitude, longitude and altitude measurements and respectively

associated with said first, second and third location fields (*the positioning server 256 extracts location information, such as latitude and longitude information, received from the emergency service call center 212, and uses this information to query the coordinate routing database 252, col. 9, line 6-29. Note that McCalmont only mentioned longitude and latitude. The altitude is obvious since this is common element of GPS/satellite calculation as McCalmont also teaches satellite 280 of fig. 2).*

As to claims 12-14, McCalmont teach that said call identifier is placed in a free field of said signaling message requesting the setting up of a call between the terminal and a call center (*routing of requests for emergency services to an appropriate public safety answering point, col. 2, line 36*); that said call identifier is a number selected from a selected set of numbers (*determine the emergency services routing number (ESRN) or telephone number associated with the target E9-1-1 tandem 236, col. 9, line 32*); and that said set is specific to the network to which said calling terminal is connected (*PSAP connecting to the E911 tandem of fig. 2 where it is designated specifically to the emergency help, col. 3, line 58-col. 4, line 5*).

As to claim 15, see claim 1.

Response to Arguments

Quoting from the applicant's Remark on pages 7-8:

Claim 1 has been amended herein to recite that the signaling message is a text message. This aspect was previously set forth in dependent claim 2. The Examiner rejects claim 2 as being unpatentable over McCalmont, citing column 16, lines 33-34, which state that additional caller information is may include information that is delivered visually to a public safety answering point operator. The Examiner then contends that the visual information therefore is a text message. However, the visual information of McCalmont is not further described. Furthermore, nowhere in McCalmont is there mention of a text message, let alone a text message that is a signaling message. McCalmont was filed in 2002, when text messaging was already a prevalent means of communication. Therefore it seems likely that if McCalmont contemplated using a text message

as a signaling message, such would be clearly stated in the McCalmont patent. Absent such description, it is clear that McCalmont's visual information is not a text message.

Examiner respectfully disagrees. Examiner has admitted in the very beginning that McCalmont does not explicitly teach the signal message is a text message. However examiner has stated the obviousness by providing the large amount of information to ascertain that the visual information or display information would include text message.

McCalmont states several places "the additional caller information may include information that is delivered **visually** to a public safety answering point operator (col. 16, lines 33-34)". "Automatic number identification (ANI) is a feature for 9-1-1 services that was developed to allow the caller's telephone number to be delivered with the call and **displayed** at the PSAP, (col. 2, lines 6-9)". "When the PSAP receives the call, it queries the automatic location identification (ALI) system with the ESQK. The ALI system recognizes that the ESQK is associated with the PS and queries the PS across an interface. The PS returns to the ALI pertinent information related to the caller (latitude and longitude, address, crash information, etc.) The ALI returns this information to the PSAP to allow the PSAP to **display** the information to the PSAP operator, (col. 5, lines 20-27)". "The operator may receive **display information** regarding the current emergency on a viewing screen. The **display information** may include, for example, the location of the emergency event, the type of emergency, the severity of a collision, the identity of the client, and the type of assistance required, (col. 9, lines 56-61).

Quoting from the applicant's Remark on page 8:

"independent claim 1 recites that a location message is generated and the unambiguous call identifier is integrated into the location message. McCalmont et al. fails to disclose or suggest the claimed subject matter.

The cited passage appears to disclose querying the ALI database with an emergency services query key (ESQK) to retrieve location information. **No integration is performed by the ALI database.** Furthermore, the cited reference does not disclose that the ESQK is generated in a network node, nor does the cited reference disclose that the ESQK is integrated into the signaling message. Accordingly, the cited portion of the reference fails to disclose or suggest that the unambiguous call identifier is generated in a network node receiving the signaling message and that the unambiguous call identifier is integrated into the signaling message, or that a location message is generated and the unambiguous call identifier is integrated into the location message, as claimed.

Examiner again respectfully disagrees and wishes to elaborate McCalmont's position. The way that the ALI works by design is that PSAP is connected to Automatic Location Identifier (ALI). Upon receiving a call request (such as 911 call), PSAP queries ALI for location data. ALI accepts the query from PSAP for location. The query includes the telephone number of an emergency caller. ALI relates or associates or integrates or identify the received telephone number (or McCalmont's caller's name or the current application's unambiguous caller identifier) to a physical street address and provides that street address (location information) back to PSAP. The reason of this association/integration of the information is by the mere fact that call identifier or name of caller or telephone number alone is known to be inadequate and unreliable information to identify the exact location. McCalmont shows it as stated "When the PSAP receives the call, it queries the automatic location identification (ALI) system with the ESQK. The ALI system recognizes that the ESQK is associated with the PS and queries the PS across an interface. The PS returns to the ALI pertinent information related to the caller (latitude and longitude, address, crash information, etc.) The ALI

returns this information to the PSAP to allow the PSAP to display the information to the PSAP operator, col. 5, lines 20-27. Information regarding the request generated... may include the location of the communication device, name of the person associated with the device and the nature of the emergency, col. 14, lines 33-40. Furthermore, McCalmont states "Automatic number identification (ANI) is a feature for 9-1-1 services that was developed to allow the caller's telephone number to be delivered with the call and displayed at the PSAP. This feature is useful for identifying the caller and, if the caller cannot communicate, for callback. Using subscriber information stored by telephone companies based upon telephone number, the caller's name and address can be provided as well as part of automatic location identification (ALI) databases. In particular, the PSAP can query the ALI database using the caller's number provided by the ANI feature to ascertain name and address information. Col. 2, lines 6-16).

For the above reasons, examiner remains confident that McCalmont does teach the claimed feature of the current application.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CURTIS KUNTZ/

/Phung-Hoang J Nguyen/

Art Unit: 2614

Supervisory Patent Examiner, Art Unit 2614

Examiner, Art Unit 2614